IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 26368 of 2006(L)

PETITIONER:

R.V.KRISHNAN, S/O. VELANDI,
RESIDING AT RAKKURAM PARAMBU,
THENKURISSI P.O., PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
SRI.SREEKANTH.K.R
SRI.JIBU P THOMAS
SRI.SUNIL J.CHAKKALACKAL

RESPONDENTS:

---

1. THE ADDITIONAL DISTRICT MAGISTRATE,
PALAKKAD.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION,
KERALA STATE ELECTRICITY BOARD,
KODUVAYUR, PALAKKAD.

3. KAMALAM, W/O. NAGU,
RESIDING AT RAKKURAM PARAMBU,
THENKURISSI P.O., PALAKKAD.

BY ADV. SRI.RENJITH THAMPAN
SMT.P.A.ANITHA
SRI.JOSE J.MATHEIKEL, SC, KSEB
ADV. SHRI.P.P.THAJUDEEN, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 26368/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PETITION ALONG with A TOPO SKETCH DATED 05/04/2006.

P2 : COPY OF THE OBJECTION.

P3 : COPY OF THE ORDER DATED 27/09/2006.

RESPONDENT'S EXHIBITS

R3(a) : COPY OF THE REPORT OF THE VILLAGE OFFICER, ISSUED TO THE ADDITIONAL DISTRICT MAGISTRATE ALONG with THE SKETCH DATED 14/08/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 26368 of 2006

Dated, this the 13th day of August, 2007

J U D G M E N T

Petitioner is challenging Ext.P3 order whereunder ADM has approved drawal of electric line over petitioner's property by installing two electric posts to give connection to the beneficiary. Learned Standing Counsel for KSEB has produced a sketch in Court, it is almost same as Ext.P1 sketch produced in the writ petition. Petitioner's case is that there is a road passing near to the property of the beneficiary and if line is drawn through that road, drawing of electric line over petitioner's property can be avoided. However, learned Standing Counsel for KSEB and counsel appearing for 3rd respondent, the beneficiary, submitted that as such there is no electric line over the said road and if line has to be drawn for the beneficiary through that road 330 metres of overhead line has to be drawn, which is nearly four times the length of the line proposed and approved by the ADM. I do not think petitioner's request can be approved, because of the enormous additional cost for drawing 330 metres of overhead line, which the beneficiary, a member of the scheduled caste community cannot raise. Moreover, it is seen that already three electric posts stand installed in the property of

the petitioner and the line proposed is from the last post, which is already in the property of the petitioner, numbered as RP 14/3. Petitioner has large extent of property, which is agricultural land. Learned counsel for the petitioner submitted that coconut trees are planted and if line is drawn, the same may cause danger to the agricultural operations. I feel petitioner can solve the problem by making some investment in the form of supply of sufficient length of insulated aluminium cable to draw the line through underground and if it is provided by the petitioner, line would be drawn through underground cable. In fact, if petitioner wants the whole line from the very beginning can be drawn with underground cable, so that the existing poles also can be demolished. As and when the line is drawn over the said road near to the beneficiary's house, the line presently drawn can be dismantled and connection will be given from that line. If petitioner fails to supply underground cable, line will be drawn with overhead cable. Connection to the beneficiary will be given within a period of two weeks from the date of production of a copy of this judgment.

This writ petition is disposed of as above.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg